

IN THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application. Kindly amend the claims as follows:

1.-5. (Cancelled)

6. (Currently amended) A ~~multi-use hair accessory~~ band comprising:

a substantially cylindrical ~~band~~ continuous one-piece body made from an elastomeric material, ~~the band~~ and having a ~~continuous~~ and substantially unbroken circumference and a substantially continuous height;

the ~~band~~ body being continuously stretchable at least in the circumferential direction along the entire circumference thereof,

the circumference having an opening ~~formed in the cylindrical band,~~
~~the opening being an elongate slit disposed along at least a portion of the~~
~~circumference of the band and~~ sized to enable a wearer's ponytail to pull through and held securely;

~~wherein the band and the opening are a single unbroken integrally formed unit;~~

~~and~~

wherein the ~~hair accessory band~~ is configured to be worn simultaneously as a headband and as a ponytail retainer.

7. (currently amended) The ~~hair-accessory~~ band of claim 6, wherein the hair accessory is worn as an ear warmer, a scarf, muffler, the opening being configured as an elongated slit.

8. (currently amended) The ~~hair-accessory~~ band of claim 7 6, wherein the elastomeric material is a material capable of providing warmth.

9. (currently amended) The ~~hair-accessory~~ band of claim 6, wherein the opening is round.

10.(currently amended) The ~~hair-accessory~~ band of claim 6, wherein the opening is square.

11. (currently amended) The ~~hair-accessory~~ band of claim ~~[[6]]~~ 7, wherein the slit has a length not greater than a distance between the ears of a wearer, as measured across the back of the wearer's head.

12. (cancelled)

13. (currently amended) The ~~hair-accessory~~ band of claim 6, further comprising decorative accents disposed on at least a portion of the circumference of the ~~band~~ body.

14. (Currently amended) The ~~hair-accessory~~ band of claim 6, wherein the band has a decorative shape.

15. (Currently amended) A method of wearing multi-use hair accessory, the accessory having a substantially cylindrical band, the band having a substantially cylindrical ~~band~~ continuous one-piece body made from an elastomeric material, ~~the band and~~ having a ~~continuous and~~ substantially unbroken circumference and a substantially continuous height; the ~~band~~ body being continuously stretchable at least in the circumferential direction along the entire circumference thereof, the circumference having an opening ~~formed in the cylindrical band, the opening being an elongate slit disposed along at least a portion of the circumference of the band and~~ sized to enable a wearer's ponytail to pull through and held securely, the method comprising the steps of:

positioning the band around the neck of the wearer so that the opening faces the back of the wearer's head;

pulling and securing the wear's hair through the opening thereby forming a ponytail; and

positioning a portion of the band opposite the opening up over the wearer's face and past the wearer's hair line.

16. (Currently amended) A method of wearing multi-use hair accessory as a neck warmer, the accessory having a substantially cylindrical band, the band having a substantially cylindrical ~~band~~ continuous one-piece body made from an elastomeric material, ~~the band and~~ having a ~~continuous~~ and substantially unbroken circumference and a substantially continuous height; the ~~band~~ body being continuously stretchable at least in the circumferential direction along the entire circumference thereof, the body having an opening ~~formed in the cylindrical band, the opening being an elongate slit disposed along at least a portion of the circumference of the band and~~ sized to enable a wearer's ponytail to pull through and held securely, the method comprising the steps of:

positioning the band around the neck of the wearer so that the opening faces the back of the wearer's head; and

pulling and securing the wear's hair through the opening thereby forming a ponytail.